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SK-744-US/CON2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Danishefsky *et al.* Examiner : T. Solola
Serial No. : 09/808,451 Art Unit : 1626
Filed : March 13, 2001
For : *Synthesis of Epothilones, Intermediates Thereto, Analogues and Uses Thereof*

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

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Sir:

PETITION UNDER 37 CFR § 1.10(c)

PETITION TO THE COMMISSIONER TO CORRECT FILING DATE AND DATE-IN DISCREPANCY

Applicants respectfully petition the Commissioner to correct the filing date for the above-referenced application to reflect the *correct filing date of March 13, 2001*. Applicants respectfully submit that the **incorrect filing date of March 14, 2001** was assigned as evidenced on the filing receipt recently mailed, and respectfully request that the filing date be changed to reflect the *correct filing date of March 13, 2001*. In support of this petition, as required by 37 CFR § 1.10(c), Applicants have filed this petition promptly after becoming aware of the discrepancy in the filing dates and additionally include herewith:

(1) a showing that the number of the "Express Mail" label was placed on each piece of correspondence prior to the original mailing (see Exhibit A, pp. 1-5 of the Application Transmittal Letter); and

(2) a true copy of the "Express Mail" mailing label **EL603009518US** which shows a "date-in" by the United States Postal Service of March 13, 2001, and additionally shows a date stamp of March 13, 2001.

Applicants respectfully submit that the copy of the 5 pages of the Application Transmittal Letter (labeled with the Express Mail Label Number: **EL603009518US**) is sufficient to provide a showing that the number of the "Express Mail" label was placed on each piece of

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correspondence prior to the original mailing. As stated in MPEP § 513, under the section "Express Mail Mailing Label Number, "In situations where the correspondence includes several papers directed to the same application (for example, the specification, drawings and declaration for a new application), the correspondence may be submitted with a cover or transmittal letter which should itemize the papers." In accordance with this provision, Applicants have submitted herewith the transmittal letter as filed on March 13, 2001 which itemizes the following:

- 1) Fee Transmittal Form (original and duplicate submitted for fee processing);
- 2) Specification (total pages 112);
- 3) Drawings (total sheets 59 (original) both originally filed and formal drawings are submitted herewith 76 (formal);
- 4) Oath or Declaration (total pages 10) copy from a prior application (37 C.F.R. § 1.63(d));
- 5) Assignment Papers (as filed in parent application; with cover sheet & document(s)); (2 sets: Reel/Frame: 9008/0728, Reel/Frame: 9234/0239) (12 pages);
- 6) Power of Attorney (combined with declaration provided) and copy of the Notice Regarding Power of Attorney (1 page);
- 7) Information Disclosure Statement (IDS)/PTO-1449 and Statement Filed Pursuant to the Duty of Disclosure. (6 pages total);
- 8) Preliminary Amendment (4 pages and 6 pages of Paragraph and Section Replacements for Preliminary Amendment);
- 9) Return Receipt Postcard; and
- 10) Small Entity Statement(s) (2 pages) Statement filed in prior application; status still desired and proper (37 C.F.R. § 1.28).

Applicants thus respectfully submit that the requirements of 37 CFR 1.10(c) have been satisfied and respectfully request that the filing date be changed to reflect the *correct filing date of March 13, 2001*.

It is believed that no fees are associated with this petition, however, if Applicants are mistaken, please charge any fees to our Deposit Account No. 03-1721.

Respectfully submitted,

Karoline K.M. Shair

Karoline K.M. Shair, Ph.D.

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Date: June 29, 2001

I hereby certify that this correspondence is being
deposited with the United States Postal Service as first
class mail in an envelope addressed to: Assistant
Commissioner For Patents, Washington, D.C. 20231
on June 29, 2001

Kimberly Young